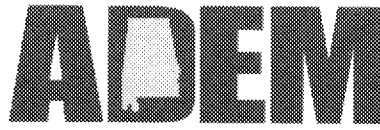


LANCE R. LEFLEUR
DIRECTOR



KAY IVEY
GOVERNOR

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December 21, 2018

VIA CERTIFIED MAIL (NO. 91-7199-9991-7038-0609-8027) & E-MAIL

Ms. Lillian Dorka, Director
U.S. Environmental Protection Agency
External Civil Rights Compliance Office
Office of General Counsel (Mail Code 2310A)
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460-1000

RE: ADEM Response in Clarification of EPA-ECRCO's 12-10-18 "Preliminary Findings Letter"
setting forth its "[D]isposition" of EPA File No. 16R-17-R4

Dear Ms. Dorka:

Thank you for your letter indicating that EPA-ECRCO has disposed of and closed this matter. The letter also noted several observations regarding the Department's landfill inspection/permitting program, and the Department acknowledges receipt of those observations. However, there are certain discrepancies set forth in the letter that need to be addressed and clarified, and they are as follows:

1. EPA ECRCO's summary of my comments omits relevant and important context. The statement that I had no interest in informal resolution should have included "...unless ADEM was made aware of some failure to meet its obligations under Title VI." Furthermore, the summary should have made it clear that I was not made aware of any failure to meet the requirements of Title VI by EPA ECRCO and that "If the program failed to meet any Title VI requirements, I wanted to know immediately, so it could be corrected."

2. EPA ECRCO's representation that "ADEM responded that it is not interested in discussing the identified issues..." should reflect the timing and context by which the "identified issues" were first verbally made known to ADEM as part of an impromptu proposed settlement to be concluded within the next working day. Furthermore, when ADEM staff on the telephone call inquired whether the issues identified by ECRCO constituted a Title VI violation, the response was "We can't tell you." Based on this verbal exchange, ADEM opted to wait for ECRCO's disposition Letter, which was issued on the second next working day, Monday, December 10, 2018.

If you have any questions regarding this Response in Clarification, please do not hesitate to contact Deputy Director and Nondiscrimination Coordinator Marilyn G. Elliott, at (334) 271-7700.

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Sincerely,

A handwritten signature in black ink, appearing to read "Lance R. LeFleur".

Lance R. LeFleur
Director

LRL/lc

cc: Matthew Z. Leopold
General Counsel

Mary S. Walker
Acting Administrator

Angelia Talbert-Duarte
Acting Associate General Counsel, Civil Rights & Finance Law Office

Vickie Tellis
Acting Assistant Regional Administrator, Acting Deputy Civil Rights Official, Region 4